

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

FILED

FEB 23 2019

Richard W. Nagel
Clerk of Court, Dayton OH

United States of America

v.

Carlos ALBA-MORENO

Case No.

3:19-cr-109

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2/22/2019 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

Code Section

21 USC s. 846 & 841(b)(1)(A)

Offense Description

conspiracy to knowingly and intentionally possess with intent to distribute and distribute in excess of 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance

This criminal complaint is based on these facts:

See Attached Affidavit of Timothy S. Maurath

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

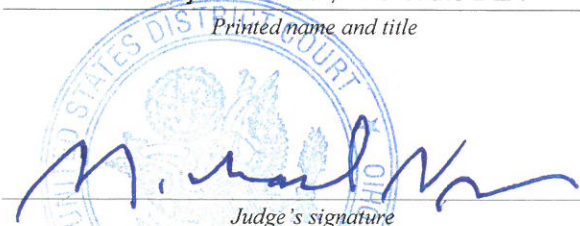
Date: 2/23/19

City and state: Dayton, Ohio


Complainant's signature

Timothy S. Maurath, TFO of the DEA

Printed name and title


Judge's signature

Michael Newman, US Magistrate Judge

Printed name and title

AFFIDAVIT

I, Timothy S. Maurath, , a Task Force Officer for the Drug Enforcement Administration and City of Huber Heights Police Division detective (hereinafter referred to as the “Affiant”) being duly sworn, deposes as follows:

I.

INTRODUCTION

1. Your Affiant is a Task Force Officer with the United States Drug Enforcement Administration (“DEA”) within the meaning of Title 21, United States Code (“U.S.C.”), Section 878. That is, an officer of the United States who is empowered by law to conduct criminal investigations of and to make arrests for offenses as detailed in 21 U.S.C. § 878. Your Affiant is a law enforcement officer and has been employed by the Huber Heights Police Department since 2007, and is currently assigned to the Drug Enforcement Administration (DEA) Task Force Dayton Resident Office.
2. By virtue of Affiant's assignment with the DEA, he performs and has performed various tasks which include, but are not limited to:
 - (a) Functioning as an undercover agent for the primary purpose of obtaining intelligence on drug trafficking and the inner working of drug organizations;
 - (b) Functioning as a surveillance agent for the primary purpose of observing and movements of drug traffickers and those suspected of trafficking in drugs;
 - (c) Functioning as a case agent which entails the supervision of specific aspects of drug investigations;
 - (d) The tracing and tracking of monies and assets gained by drug traffickers from the illegal sale of drugs.

II.

PURPOSE OF AFFIDAVIT

3. This affidavit is made in support of an application for a federal arrest warrant and criminal complaint against **Carlos ALBA-MORENO (“ALBA-MORENO”)** for:
 - a. knowingly and intentionally conspiring to knowingly and intentionally possess with intent to distribute and distribute 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), all in violation of 21 U.S.C. § 846.

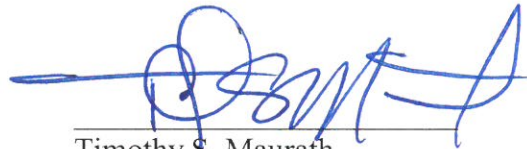
4. I make this affidavit based upon my participation in this investigation, including witness interviews and reports by other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

III.

SUMMARY OF PROBABLE CAUSE

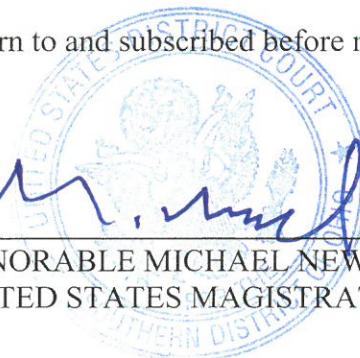

5. During February 2019, members of the Drug Enforcement Administration Dayton Resident Office (DRO) interviewed a Confidential Source (here after referred to as CS). During the interview, the CS stated that he/she was contacted by members of a Dayton, Ohio DTO, and learned that a fentanyl transaction was expected to happen on or around February 22, 2019, in the Miamisburg, Ohio area.
6. On or about February 22, 2019, Members of DRO met with the CS. During this meeting the CS stated he/she learned from members of the Dayton based DTO that two Hispanic sources of supply were utilizing a hotel room located at 1944 Miamisburg Centerville Road Room 209, Miamisburg, Ohio to store and distribute kilogram quantities of fentanyl. The CS stated he/she knows one of the males only by the name "Waylo," later identified as Carlos ALBA-MORENO ("ALBA-MORENO").
7. On or about the same date the CS conducted recorded phone calls and text messages with ALBA-MORENO. During these calls, through coded language, ALBA-MORENO agreed to distribute one half kilogram of fentanyl to the CS up front, to be paid at a later date. ALBA-MORENO then requested to conduct an in person meeting with the CS in the area of Miamisburg, Ohio.
8. On or about the same date, members of DRO established surveillance of the hotel room being utilized by ALBA-MORENO. While conducting surveillance, members of DRO observed ALBA-MORENO and an additional Hispanic male, later identified as CHAVEZ-CHAVEZ, exit the hotel room. Members of DRO then conducted a controlled meeting between the CS and Waylo in the area of Miamisburg, Ohio. This meeting was corroborated by audio and video recording.
9. During the meeting, ALBA-MORENO expressed to the CS, through coded language, that he was in possession of two bags, one of heroin, and one of fentanyl. ALBA-MORENO expressed to the CS that the bags of drugs were with his clothes, and ALBA-MORENO did not want to return to the hotel room because he was afraid law enforcement was conducting surveillance of the hotel. ALBA-MORENO then requested that the CS provide a new hotel room for himself and CHAVEZ-CHAVEZ to reside in until he feels safe to return to the initial hotel room.

10. At the conclusion of the controlled meeting, the CS told ALBA-MORENO to travel to the Best Western hotel in Englewood, Ohio located at 20 Rockridge Rd. Englewood, Ohio 45322, where the CS would provide a hotel room for ALBA-MORENO and CHAVEZ-CHAVEZ.
11. The Honorable Magistrate Judge Michael J. Newman issued a federal search warrant to SA Vill for 1944 Miamisburg-Centerville Road Room #209 Dayton, Ohio 45459 based on the probable cause to believe narcotics and/or evidence of narcotics distribution being at that location.
12. During the execution of the search warrant, approximately 463.5 grams of suspected Fentanyl and 177.3 grams of suspected Heroin was seized from the hotel room.
13. Members of the DEA Dayton Resident Office intercepted and arrested ALBA-MORENO and CHAVEZ-CHAVEZ at 20 Rockridge Rd. Englewood, Ohio 45322. During the arrest, ALBA-MORENO provided a fraudulent California driver's license under the alias Joel Alexis Luna. After processing ALBA-MORENO, I discovered his real identity to be **Carlos ALBA-MORENO**.
14. Based upon the facts contained in this affidavit, I believe that probable cause exists to believe that on or about February 22, 2019, **Carlos ALBA-MORENO**, in the Southern District of Ohio and elsewhere, knowingly and intentionally conspired with others whose identities are known to knowingly and intentionally possess with intent to distribute and distribute in excess of 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), all in violation of 21 U.S.C. § 846.



Timothy S. Maurath
Task Force Officer
DEA Dayton Resident Office/Miami Valley
Drug Task Force

Sworn to and subscribed before me on this 23rd day of February, 2019.



HONORABLE MICHAEL NEWMAN
UNITED STATES MAGISTRATE JUDGE